

Remarks

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4-19 and 21-23 are now pending in the application, with Claims 1, 17-19, 22 and 23 being independent. Claims 3 and 20 have been cancelled without prejudice. Claims 1, 17-19, 22 and 23 have been amended herein.

Initially, it is noted with appreciation the Examiner's acknowledgement that the certified copy of the priority document has been received. However, in item 12 of the Office Action Summary (Form PTOL-326) none of boxes a)-c) were checked. Applicant will assume that the Examiner intended to check box a) "All" since the certified copy of the sole priority document had been submitted.

Claims 1, 17-19 and 21-23 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,719,686 (Sakamoto et al.). Claims 2, 3, 5, 13, 15, 16 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Sakamoto et al. in view of U.S. Patent No. 6,005,673 (Murai et al.). Claims 4 and 14 were rejected under § 103 as being unpatentable over Sakamoto et al. in view of Murai et al. and in further view of U.S. Patent No. 6,144,763 (Ito). Claims 6-8 and 12 were rejected under § 103 as being unpatentable over Sakamoto et al. in view of Murai et al. and in further view of U.S. Patent No. 4,860,115 (Ogura). Claims 9 and 11 were rejected under § 103 as being unpatentable over Sakamoto et al. in view of Murai et al. and Ogura and in further view of U.S. Patent No. 5,761,394 (Sugiura et al.). Claim 10 was rejected under § 103 as being unpatentable

over Sakamoto et al. in view of Murai et al., Ogura and Ito. These rejections are respectfully traversed.

Independent Claims 1, 17 and 18 have been amended to include the features of cancelled Claim 3, whereas independent Claims 19, 22 and 23 have been amended to include the features of cancelled Claim 20. In independent Claims 1, 17 and 18, if the second output means (for transmitting the image to a communication partner terminal via a facsimile) is selected, only the Lab color space is selected as a color space to be transformed. In independent Claims 19, 22 and 23, if compressed color image data is output to a facsimile communication line, the color space of the color image data is transformed into Lab color space. Therefore, with the claimed arrangements and methods, if the apparatus or method is to function as an apparatus other than a facsimile apparatus, such as a copying machine (an example of the first output means) or a scanner (an example of the third output means), a color space other than the Lab color space is selected.

In the image communicating apparatus of Sakamoto et al., a color scanning unit 1-10, a printer 1-12, and a modem 1-5 are provided. In addition, an encode/decode unit 1-4 including raster-block conversion unit 4-1, a color converter 4-2, a JPEG encoding unit 4-3 and an MH encoding unit 4-5 are provided.

It is respectfully submitted that Sakamoto et al. does not disclose or suggest that if a color read mode is designated as the read mode and the second output means (for transmitting the image to a communication partner terminal via facsimile) is selected, only Lab color space as a color space is selected to be transformed and JPEG is selected as a compression format, as is recited in independent Claims 1, 17 and 18. Furthermore,

Sakamoto et al. fails to disclose or suggest that if compressed color image data is output to a facsimile communication line, only transformation of the color space of the color image data into Lab color space, which is different from a color space to be transformed when the color image data is output to a destination other than the facsimile communication line, is performed, as is recited in independent Claims 19, 22 and 23.

Thus, Sakamoto et al. fails to disclose or suggest important features of the present invention recited in the independent claims.

Murai et al. relates to a facsimile communication system having a color converting section. Data for an RGB image having been subjected to scanner correction can be subjected to sampling or to color conversion to the L\*a\*b\* color space. However, there is no disclosure in Murai et al. of selecting only Lab color space as a color space to be transformed when a facsimile is selected or when outputting to a facsimile communication line, and such color space is different from a color space to be transformed when the data is output to a destination other than the facsimile. Accordingly, one of ordinary skill in the art would not look to Murai et al. to modify Sakamoto et al. in the manner suggested by the Examiner. Murai et al. fails to remedy the deficiencies of Sakamoto et al. noted above with respect to the independent claims.

The remaining citations have been reviewed, but are not believed to be any more relevant than those discussed above.

Thus, independent Claims 1, 17-19, 22 and 23 are patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1, 17-19, 22 and 23. Dependent Claims 2, 4-16 and 21 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection is not believed to raise new issues because features from the dependent claims have been incorporated in the independent claims. Further, this Amendment is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Miller", written over a horizontal line.

Attorney for Applicant

Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

MAW:tnt

DC\_MAIN 168456v1